



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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SPECIAL/SUPPLEMENTARY EXAMINATION

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MAY – AUGUST 2021

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FACULTY OF LAW

REGULAR PROGRAMME

CLS 220: CRIMINAL PROCEDURE AND PRACTICE

Date: AUGUST 2021

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and any other TWO Questions

QUESTION 1.

It is inevitable and unenviable duty of every Magistrate or Judge to prepare a judgment in respect of every case he or her has tried. As you define a judgment, what elements should a good judgment contain? What style should be adopted in writing a judgment?

(30

marks)

Question 2.

In assessing Sentences in any case, a Magistrate or a Judge must be guided by certain well established principles. As you discuss the purpose of punishment, briefly analyze the various punishments applicable in Kenya.

(20 marks.)

Question 3 .

At trial, when the accused person has pleaded “NOT GUILTY” , the trial process begins to give the prosecution and the accused an opportunity to prove their respective cases or innocence as the case may be. Briefly analyze the relevant stages in a criminal trial, the various stages of proceedings from the plea taking stage to conviction. **(20 marks)**

Question 4.

The demeanor of witnesses is very crucial in assessing the credibility of their testimony. Discuss . Besides analyze the various types of witnesses. **(20 marks)**

Question 5.

Bail pending Appeal in criminal cases is a matter of discretion on the relevant Judge in the appeal proceedings. Discuss the various considerations the Judge will take into account to grant bail pending appeal. **(20 marks)**

END

DET MAY 2021